

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

LAWRENCE EARL WILSON,

Petitioner, : Case No. 3:19-cv-266

- vs -

District Judge Thomas M. Rose  
Magistrate Judge Michael R. Merz

RHONDA RICHARDS, Warden,  
Franklin Medical Center,

Respondent.

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**DECISION AND ORDER**

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This habeas corpus action is before the Court on Petitioner's Motion for Extension of Time to File Notice of Appeal and Motion for Certificate of Appealability (ECF No. 16). The order Petitioner wishes to appeal is the Order denying release on personal recognizance and stay of the state court judgment filed May 8, 2020 (ECF No. 15).

Petitioner appears to believe that order is subject to interlocutory appeal to the Sixth Circuit, but he is mistaken. Because a motion for release pending litigation is a non-dispositive pretrial matter, it was decided in the first instance by the undersigned. Because the parties have not unanimously consented to plenary magistrate judge jurisdiction in this case, Petitioner's first recourse for relief from the order must be to the assigned District Judge, Judge Thomas M. Rose. *Ambrose v. Welch*, 729 F.2d 1084, 1085 (6<sup>th</sup> Cir. 1984)(per curiam).

Based on the difficulties getting mail to Wilson, his time to file objections to the order denying bail is extended to and including July 6, 2020. The Clerk will detach and file separately

the Motion for Certificate of Appealability which the Court will address in conjunction with the merits of the appeal to Judge Rose.

June 18, 2020.

s/ *Michael R. Merz*  
United States Magistrate Judge